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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
NGUYEN, KHAI MINH	
ART UNIT	**PAPER NUMBER**
2687	

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/749,711	JACOB, KURIAN	
	Examiner	Art Unit	
	Khai M. Nguyen	2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 December 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12/31/2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chaskar (U.S.Pub-20040224702) in view of Himmelstein (U.S.Pub-20040162064).

Regarding claim 1, Chaskar teaches a method of providing a service to a user of the service (fig.3-4, abstract, paragraph 0003) comprising the steps of:

establishing a first communication connection (fig.1, 3-4, paragraph 0020, *the mobile station 10 includes an antenna 12 for transmitting signals to and for receiving signals from a base station 14*), the first communication connection being between a user communication device and a service provider agent (fig.1, 3-4, paragraph 0020, 0040);

requesting a service from the service provider agent via the first communication connection (fig.3-4, paragraph 0003, 0007);

providing location information identifying the location of the user to the service provider agent (fig.4-6, paragraph 0003, 0009, 0047);

dispatching a service provider to the user based upon the requested service and the location information (fig.3-6, paragraph 0003, 0007);

Chaskar fails to specifically disclose an establishing a second communication connection, the second communication connection being between the user communication device and the service provider; and completing a service transaction via the second communication connection upon rendering of the service by the service provider. Himmelstein teaches a mobile communication system which allows mobile to communicate with neighboring mobile, However, Himmelstein teaches an establishing a second communication connection (fig.1, paragraph 0002, 0028), the second communication connection being between the user communication device and the service provider (fig.1, paragraph 0002, 0028, *mobile unit 16 can communicate with another mobile unit 16*); and completing a service transaction via the second communication connection upon rendering of the service by the service provider (fig.1, paragraph 0002, 0028, 0097). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an establishing a second communication connection, the second communication connection being between the user communication device and the service provider; and completing a service transaction via the second communication connection upon rendering of the service by the service provider as taught by Himmelstein with Chaskar teaching in order to allows mobile to communicate with neighboring mobile without requiring a base station.

Regarding claim 2, Himmelstein and Chaskar further teaches the method of claim 1, wherein the first communication connection comprises a wireless communication connection selected from the group of wireless communication connections (see Chaskar, paragraph 0003) comprising: a cellular radiotelephone communication connection (see Chaskar, fig.1, paragraph 0020), a paging communication connection and a wireless data communication connection (see Chaskar, fig.1, 3-4, paragraph 0020, 0022, see Himmelstein , paragraph 0031).

Regarding claim 3, Himmelstein and Chaskar further teaches the method of claim 1, wherein the step of providing location information comprises determining location information at the user communication device (see Chaskar, paragraph 0008) and communicating the location information to the service provider agent via the first communication link (see Chaskar, fig.1, 3-4, paragraph 0020, 0040)

Regarding claim 4, Himmelstein and Chaskar further teaches the method of claim 1, wherein the second communication connection is established relative to the proximity of user communication device and the service provider (see Himmelstein, fig.1, abstract).

Regarding claim 5, Himmelstein and Chaskar further teaches the method of claim 1, wherein the second communication connection comprises a communication connection selected from the group of communication connections comprising a Bluetooth communication connection and an 802.11-type communication connection (see Chaskar, paragraph 0038, see Himmelstein, paragraph 0060).

Regarding claim 6, Himmelstein and Chaskar further teaches the method of claim 1, wherein the step of dispatching a service provider comprising obtaining service preference data for the user (see Himmelstein, paragraph 0060, 0097).

Regarding claim 7, Himmelstein and Chaskar further teaches the method of claim 1, wherein the step of completing a service transaction comprises communicating an information token (see Chaskar, paragraph 0003, 0047-0048).

Regarding claim 8, Himmelstein and Chaskar further teaches the method of claim 7, wherein the information token comprises service instructions (see Chaskar, paragraph 0003, 0047-0048).

Regarding claim 9, Himmelstein and Chaskar further teaches the method of claim 7, wherein the information token comprises payment data (see Chaskar, paragraph 0003, 0047-0048).

Regarding claim 10, Himmelstein and Chaskar further teaches the method of claim 1, wherein the step of requesting a service is affected in a single user action (see Chaskar, paragraph 0003, 0047-0048).

Regarding claim 11, Himmelstein and Chaskar further teaches the method of claim 10, wherein the single user action comprises selection of a bookmark for establishing the first communication connection and requesting the service (see Chaskar, paragraph 0003, 0047-0048).

Regarding claim 12, Himmelstein and Chaskar further teaches the method of claim 1, wherein the step of dispatching a service provider to the user comprises informing the user to transit to a location of the service provider (see Chaskar, paragraph 0003, see Himmelstein, paragraph 0060, 0097).

Regarding claim 13, Chaskar teaches a user communication device (fig.2) comprising:

a processor coupled to a memory (fig.2, element 62, 64, 49), the memory including a control program for controlling operation of the processor (fig.2, element 50);

a transceiver coupled to the processor (fig.2, element 12, 50), the transceiver being operable to establish a first communication connection with a service provider agent (fig.1, 3-4, paragraph 0020, 0040)and

a user interface coupled to the processor (fig.2, element 56, 58);

wherein, the processor is operable responsive to an input at the user interface to cause the transceiver to communicate via the first communication connection a service request to the service provider agent (fig.1-4, paragraph 0003, 0020, 0040), the service request including location information relating to the user communication device (fig.1-4, paragraph 0003, 0020, 0040),

Chaskar fails to specifically disclose a second communication connection with a service provider; and to communicate service transaction data between the service provider via the second communication connection upon rendering of the requested service. Himmelstein teaches a mobile communication system which allows mobile to communicate with neighboring mobile, However, Himmelstein teaches a second communication connection with a service provider (fig.1, paragraph 0002, 0028); and to communicate service transaction data between the service provider via the second communication connection upon rendering of the requested service (fig.1, paragraph

0002, 0028, 0097, *mobile unit 16 can communicate with another mobile unit 16*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a second communication connection with a service provider; and to communicate service transaction data between the service provider via the second communication connection upon rendering of the requested service as taught by Himmelstein with Chaskar teaching in order to allows mobile to communicate with neighboring mobile without requiring a base station.

Regarding claim 14, Himmelstein and Chaskar further teaches the user communication device of claim 13, wherein the location information comprises user communication device determined location data (see Chaskar, paragraph 0008).

Regarding claim 15, Himmelstein and Chaskar further teaches the user communication device of claim 13, wherein the service request comprises user service preference data (see Chaskar, fig.1-4, paragraph 0003, 0020).

Regarding claim 16, Himmelstein and Chaskar further teaches the user communication device of claim 13, wherein the service request comprises user preference look-up data (see Chaskar, fig.1-4, paragraph 0003, 0020).

Regarding claim 17, Himmelstein and Chaskar further teaches the user communication device of claim 13, wherein the first communication connection comprises a communication connection selected from the group of communication connections comprising a cellular radiotelephone communication connection (see Chaskar, paragraph 0003), a paging communication connection and a wireless data communication connection (see Chaskar, fig.1, 3-4, paragraph 0020, 0022, see Himmelstein, paragraph 0031).

Regarding claim 18, Himmelstein and Chaskar further teaches the user communication device of claim 13, wherein the second communication connection is proximity limited (see Himmelstein, fig.1, abstract).

Regarding claim 19, Himmelstein and Chaskar further teaches the user communication device of claim 13, wherein the second communication connection comprises a communication connection selected from the group of communication connections (see Chaskar, paragraph 0003) comprising a Bluetooth communication connection and an 802.11-type communication connection (see Chaskar, paragraph 0038, see Himmelstein, paragraph 0060).

Regarding claim 20, Himmelstein and Chaskar further teaches the user communication device of claim 13, wherein the service transaction data comprises an information token (see Chaskar, paragraph 0003, 0047-0048).

Regarding claim 21, Himmelstein and Chaskar further teaches the user communication device of claim 20, wherein the information token comprises data selected from the group of data (see Chaskar, paragraph 0003, 0047-0048) comprising: service instruction data and service payment data (see Chaskar, pargarpah 0003, 0047-0048).

Regarding claim 22, Himmelstein and Chaskar further teaches the user communication device of claim 13, comprising a location detector coupled to the processor to provide the location information (see Chaskar, paragraph 0003, 0047-0048).

Regarding claim 23, Himmelstein and Chaskar further teaches the user communication device of claim 13, wherein the processor is operable to affect the service request responsive to a single user action (see Chaskar, paragraph 0003, 0047-0048).

Regarding claim 24, Chaskar teaches an apparatus comprising:

means for communicating a service request to a service provider agent (fig.1, 3-4, paragraph 0020, 0040, *the mobile station 10 includes an antenna 12 for transmitting signals to and for receiving signals from a base station 14*);

means for providing location information associated with a user of the service to the service provider agent (fig.4-6, paragraph 0003, 0009, 0047); and

Chaskar fails to specifically disclose communicating service transaction data with a service provider dispatched responsive to the service request and the location information. Himmelstein teaches a mobile communication system which allows mobile to communicate with neighboring mobile, However, Himmelstein teaches communicating service transaction data with a service provider dispatched responsive to the service request and the location information (fig.1, paragraph 0002, 0028, 0097, *mobile unit 16 can communicate with another mobile unit 16*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use communicating service transaction data with a service provider dispatched responsive to the service request and the location information as taught by Himmelstein with Chaskar teaching in order to allows mobile to communicate with neighboring mobile without requiring a base station.

Citation of Pertinent Prior Art

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Haken (U.S.Pub-20030125963) discloses Wireless interactive rendezvous system for delivering goods and services.

Milman (U.S.Pub-20040014479) discloses Method of processing and billing work orders.

De Sylva (U.S.Pub-20040153357) discloses System and method for facilitating interaction between participants in a transaction.

Corrigan et al. (U.S.Pat-6640097) discloses WAP service personalization, management and billing object oriented platform.

Chan et al. (U.S.Pub-20040203638) discloses Service delivery systems and methods.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M. Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571.272.7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khai Nguyen
Au: 2687

9/23/2005

9.27.05
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